

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TOWN OF GREENBURGH,

Plaintiff,

-against-

SPECTRASERV, INC. and LIBERTY MUTUAL
INSURANCE COMPANY,

Defendants.
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SPECTRASERV, INC. and LIBERTY MUTUAL
INSURANCE COMPANY,

Third-Party Plaintiffs,

-against-

M.G. McLAREN, P.C. and DOLPH ROTFELD
ENGINEERING, P.C.,

Third-Party Defendants.
-----X

ECF CASE
07 Civ. 6966 (WCC)

**DECLARATION
OF MARTIN A.
SCHWARTZBERG
IN SUPPORT OF
McLAREN'S MOTION
TO DISMISS**

MARTIN A. SCHWARTZBERG, hereby declares, pursuant to 28 U.S.C.
§1746:

1. I am a member of the law firm of L'Abbate, Balkan, Colavita & Contini, L.L.P., counsel of record for the third-party defendant M.G. McLaren, P.C. ("McLaren"). I make this Declaration in support of McLaren's motion for dismissal and/or summary judgment. The basis for this Declaration is an independent investigation of the relevant facts, and the documents annexed hereto as well as annexed to the Declaration of Malcolm G. McLaren, P.E.

2. A true and complete copy of plaintiff Town of Greenburgh's ("Greenburgh") Complaint dated July 30, 2007 is annexed hereto as Exhibit "A".

3. A true and complete copy of the Third-Party Complaint of Spectraserv, Inc. ("Spectraserv") and Liberty Mutual Insurance Company ("Liberty") is annexed hereto as Exhibit "B".

4. I declare under the penalty of perjury that the foregoing is true and correct.

Executed on July 11, 2008.


MARTIN A. SCHWARTZBERG (MAS-6764)